

THE GEORGE WASHINGTON UNIVERSITY
Washington, DC

MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
FEBRUARY 5, 1999, IN THE ELLIOTT
ROOM, UNIVERSITY CLUB, MARVIN CENTER

The meeting was called to order at 2:15 p.m. by Professor Robinson, Chair of the Executive Committee, in the absence of President Trachtenburg and Vice President Lehman.

Present: President Trachtenberg, Registrar Selinsky, and Parliamentarian Pagel; Deans Futrell, Lefton, and Phillips; Professors Agnew, Captain, Cawley, Gallo, Granger, Griffith, Gupta, Harrington, Johnston, Loew, Lynch, McAleavey, Mergen, Nagy, Robinson, Silber, Simon, Wilmarth, and Wirtz

Absent: Vice President Lehman; Deans Grossman, Harding, Mazzuchi, Riegelman, and Young; Professors Berkowitz, Boswell, Harrauld, Hoare, Peroni, Sodaro, and Yezer

APPROVAL OF THE MINUTES

Professor Robinson called for approval of the minutes of the regular meeting of December 11, 1998, and January 15, 1999. Professor Lynch pointed out that the minutes of the December 11th meeting did not include the rationale she provided for her motion to create an ad hoc committee during the debate on Resolution 98/5 to endorse the Interim Policy and Procedures governing sexual harassment complaints. In order to correct this omission, she requested that the following statement be added at the end of the second full paragraph on Page 4 of the December 11th minutes:

There are three reasons for this motion to create an ad hoc committee to develop a GWU sexual harassment policy (that uses as its basis the resolution before the Senate today, the interim policy developed by the University, and the report of the PEAf minority committee, summarized by Professor Harrison):

1. The resolution on the floor is already an unusually controversial one: In addition to the disagreement within the PEAf Committee, the University Committee on the Status of Women Faculty and Librarians has passed a resolution expressing its disagreement with the resolution before us, and other faculty have by their presence at this Senate meeting today and by petition are signalling their concerns.

2. While this policy potentially can affect everyone at the University, men and women faculty bring into the discussion different background experiences which color our views. It is important that the University Sexual Harassment Policy be protected from any charges of bias and gender imbalance. The more representative structure of the proposed ad hoc committee will attend to that.

3. The current resolution does not provide enough detail on the substance of what might or might not constitute sexual harassment to protect the University or the individuals who work here.

We need to develop a policy in which freedom of speech and freedom from discrimination are seen as complementary goals for the University. I am confident through the formation of the proposed ad hoc committee that we will do so.

Professor Robinson asked if the Senate had any objections to including the statement in the minutes of December 11th as read by Professor Lynch. No objections were made. The minutes of December 11, 1999, as amended, and of January 15, 1999, were then approved.

RESOLUTIONS

RESOLUTION 98/7, "A RESOLUTION ON TENURE BY DEFAULT"

Professor Griffith, Chair, Professional Ethics and Academic Freedom Committee, asked the Senate to accept the Resolution as distributed with the agenda, but with slight technical modifications to the RESOLVING Clauses, such modifications having been distributed to members of the Senate in advance of this meeting. He said that no change was made in the substance of the Resolution. No objections were made to consideration of the Substitute Resolution 98/7 in place of the original Resolution 98/7.

Professor Griffith then presented a brief history of the Resolution because it has been the product of a complicated set of negotiations. The problem arose because of the conjunction of three different provisions in the Faculty Code. First, Article IV provides that the maximum number of tenure-accruing probationary terms that shall be served will be 7 years. Second, a provision under Article V. states that any member of the faculty who has served more than 2 years, whose term will not be renewed, is entitled to a year's notice, by June 30th of the year preceding the last year of the contract. Third, another provision in Article IV. makes it quite explicit that if a decision is being made with respect to tenure that the faculty member shall be notified no

later than June 30th of the year prior to the last year of the probationary appointment and it specifies that, should the decision not be made and the notice not be given by June 30th, there will result an award of tenure at the conclusion of the 7th year of the probationary term. Professor Griffith explained that in recent years there have been two occasions in which there occurred exceptionally protracted consideration, discussion, and negotiation over cases in which the recommendation by a faculty committee was not concurred in by the relevant dean, and the dispute went into the Senate's resolution process. In two of those cases, it turned out that final notice was not provided to the candidate by the June 30th deadline because it had not yet been presented to the Board of Trustees for final action in accordance with the process. In those cases, there was litigation and the candidates claimed that, because they had not received final notice, they were entitled to automatic tenure at the conclusion of the probationary period. He said that the administration, therefore, asked the Senate to consider dropping the provision that tenure by default would ever be given.

Last year, Professor Griffith said, the Professional Ethics and Academic Freedom Committee presented Resolution 97/8 on tenure by default to the Senate, which was approved by the Senate and forwarded to the administration. This Resolution changed the Code, not by eliminating the possibility of a faculty member earning tenure by default, but by changing the language of the Code to provide that, if notice were not given by June 30th of the next to last year of the probationary appointment, the probationary appointment would be extended by a year. Thus, the person would get, in effect, an 8th year in which to resolve the problem, and notice would then be due by June 30th of the 7th year. Subsequently, Vice President Lehman objected to this Resolution and he and the Board of Trustees asked the Senate to consider it further. Professor Griffith said that it was his understanding that Vice President Lehman took the position that in nearly all of those cases in which the negotiations, particularly in resolving a nonconcurrence, would push the June 30th deadline that it would probably be possible to resolve those disputes within 30 to 45 days after that deadline and get a final decision by the Board of Trustees without providing an additional year. Upon request from the Executive Committee the PEAFC Committee undertook consideration of a proposal from the administration addressing the concerns of Vice President Lehman, and the PEAFC Committee approved Resolution 98/7, with some technical amendments to the RESOLVING Clauses to make explicit that the new language controls where it might be read as conflicting with language already in the Faculty Code. The change to Article V. originally intended to achieve this end appears to have been misplaced, and is deleted in favor of the two changes in the language proposed for Article IV.

Professor Griffith said that the general thrust of the Resolution is quite clear: if a decision is not reached by the June

30th deadline due to an unresolved nonconcurrence, then the candidate would be provided with written notice that the deadline was being extended for 60 days (August 30th); if, at the end of that period the situation had not been resolved, then the person would get an automatic one-year extension and notice must be given by the following June 30th; and if that were to fail, then the person would still be covered by the tenure by default "hammer" that forces unwanted consequences on the administration for not executing the provisions required by the Code. Professor Griffith urged adoption of Substitute Resolution 98/7.

Professor Wilmarth pointed out that the reason the PEA Committee struck the reference to Article V.B. is that it deals with nonrenewals of non-tenured appointments. In contrast, Article IV.A.3.1.c) does not apply to a non-renewal of a non-tenured appointment, and instead governs the shift from a non-tenured to a tenured appointment. The June 30th notice in Article V.B. deals only with a notice not to renew a non-tenured appointment and has no application to a notice to deny tenure.

Professor Gupta asked if there is a definition of the terms "extended and non-extended" because these terms have not been in the Code previously. Professor Griffith replied that the Committee simply gave these terms a contextual definition. Professor Silber asked what the rationale was for deciding upon particular times, such as the 60-day extension and a year. Professor Wilmarth responded that if there is an unresolved nonconcurrence, the 60-day extension was the maximum reasonable extension without unfairly prejudicing the right of a faculty member whose tenure grant was in doubt. By extending the notice date from June 30th to August 30th, the administration would be giving that person notice that tenure might not be granted. In addition, the August 30th deadline would preserve the full academic year for the faculty member's job search if a final notice of tenure denial was issued during the 60-day period. If the administration does not meet the 60-day extension period, or if they miss the June 30th date for a reason other than an unresolved nonconcurrence, then the person who did not receive proper notice would receive another full academic year. Professor Wilmarth said that he thought the 8th year is intended to give the faculty member the 7th year to try to convince the administration that they should grant tenure. Professor Silber asked what would happen, for instance, if a nonconcurrence is resolved in November after the 60-day extension, but before the June 30th date. Professor Griffith replied that that person would automatically get an 8th year if the nonconcurrence is not resolved by the end of August. Professor Robinson added that the 60-day extension was actually a compromise between 30 days to 90 days. The 60-day extension seemed a reasonable time period and would protect both the faculty and the University.

Professor Wirtz voiced the concern of a member of his faculty who pointed out one circumstance in which a faculty member would be disadvantaged by the 60-day extension period. For example, suppose that within the 60-day period a convention is being held that is ordinarily used for the purpose of interviewing for jobs. The faculty member could, of course, go to that convention to participate in a job search, but he or she would not be certain of his or her status until possibly the end of the 60-day extension at which point he or she might be notified that tenure would not be granted. In that case, the faculty member would have only the remaining 10 months of the 7th year, not the 8th year, to look for a job. Professor Wirtz stressed that this is an extremely limited case and is, as far as he knew, the only downside to the Resolution.

Professor Loew, following up on Professor Gupta's question about a definition of the language "extended and non-extended terms," asked if there would be any harm in making these terms explicit by providing a definition. Professor Griffith replied that he thought that inserting definitions would make the Resolution unnecessarily complicated. It seemed to him that it is reasonably clear under what conditions those two terms are used. Professor Wirtz said that he agreed with Professor Griffith because faculty come in with a certain number of years already, and at that point, if one were trying to define it, one would have to define it in terms of all possible contingencies which would make the Resolution unbelievably complex.

Professor Lynch pointed out a grammatical error in the First RESOLVING Clause, second line of the first sentence which reads: "...at the end of his final year...." She suggested substituting the word "the" for the word "his" in that phrase. Professor Wilmarth noted that the word "his" is a misprint of the existing Code language, which says "the" instead of "his."

The question was called, the motion put, and Substitute Resolution 98/7 was adopted. (Substitute Resolution 98/7 is attached.)

President Trachtenberg said that while this Resolution defines compromise, it, nevertheless, does move to honor the concept of tenure if the Senate believes that tenure ought to be the result of a deliberative process. He still believes that the granting of tenure due to a administrative oversight, however unlikely, is disproportionate and diminishes the concept of tenure. Thus he felt this initiative, while a great step in the right direction, falls somewhat short, since it continues to permit a form of tenure by default. But he felt the resolution reflects a good faith negotiation by all participants and if not perfect is a very

plausible approximation, and very likely the best we can do at this time. He then extended his congratulations.

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. REPORT OF THE EXECUTIVE COMMITTEE

The Report of the Executive Committee by Professor Robinson, Chair, is enclosed.

II. INTERIM REPORTS OF SENATE COMMITTEE CHAIRS

Professor Silber, Chair, Athletics and Recreation Committee, reported that the Committee had met with Associate Vice President John Schauss who presented the plans for the new Wellness Center. The structure will be very handsome and there will be parking areas below ground, plus four levels at and above ground. The Center will be a multi-use and multi-purpose facility, providing a variety of different spaces for sports, meetings, conferences and seminars. He said that Associate Vice President Schauss indicated that the idea is to provide a place for building a sense of community for students, staff, and faculty. With regard to the annual fee, Professor Silber said that the current thought is that the faculty would pay a fee of about \$295 a year for the use of the facility, although this figure has not yet been decided, but Vice President Schauss pointed out that other schools in the area charge fees and that commercial places, like Bally's charges \$495 a year, and the Watergate Health Club charges \$1,000 per year, so Associate Vice President Schauss thought that a \$295 fee was fairly nominal. Professor Silber noted that the Wellness Center will not have a pool, and if faculty want to use the pool in the Smith Center, they will have to belong to the Wellness Center. In tracking usage of the Smith Center by faculty, Associate Vice President Schauss indicated that about 5% of the faculty use the Smith Center and he expected that that number would rise to about 10% when the new Wellness Center is put into operation around January, 2001. According to Associate Vice President Schauss, Georgetown University charges an annual fee of \$355 and the University of Maryland charges \$156. Professor Silber said that he checked the annual fee at American University, which charges \$75 and has a new Health and Wellness Center, and Catholic University, which charges no fee, but has no new facilities, and he was waiting to hear from Howard University. He said that his Committee will continue to meet with Associate Vice President Schauss and with the Chairs of three other Senate Committees that would be affected by the institution of fees and the opening of the Wellness Center.

Professor Wirtz asked if any decision about fees for

occasional use had been discussed because he thought that if one used the Center just once a month, then that fee would seem excessive, and he hoped the Committee would look carefully at the way the occasional use threshold is set. Professor Silber replied that no decisions had been made about that aspect. He said that his Committee is a consultative committee at this point, but that he would be happy to make recommendations. In reference to the occasional use charge, Professor Granger noted that she had inquired last year about someone who would just use the Smith Center to change clothes after playing tennis, and she was told that the person would have to belong to the Wellness Center in order to change clothes. The President replied that the University has to put the building up and it has to keep it there. Whether somebody comes in or not, to play ball or just to change clothes, the University has a fixed cost of running this facility.

Professor Loew said that he would like to return to the opening comments of Professor Silber in which he said that one of the aspects of this Center is to promote interaction between faculty and students of which there is precious little as it is. To inhibit or discourage people by the assessment of an annual charge of \$295 seemed to him to be counterproductive. Although he had not gone through the arithmetic yet, he did not think it is very difficult to figure out the expected annual income, even if it applies to 10% of the faculty, and the question is one of whether or not this amount of money was truly going to make a difference between keeping the facility running or not. President Trachtenberg responded that people ask him that question about every fee that the University puts into place, and, in fact, no single fee ever is enough. All taken together, he said, they are called the "University budget." Professor Gupta pointed out that for all the years that the Smith Center has been on campus, it has been a free benefit to all faculty members, as stated in the Faculty Handbook. In 1992, when the Wellness Center was being proposed, Professor Gupta exchanged a series of letters with President Trachtenberg on the proposed user fee for the Wellness Center. At that time, the President took the rather legalistic argument that the Handbook states free access only to the building called the Smith Center and not to the Wellness Center. However, the spirit of the Handbook has been that the faculty has free access to the sports and locker facilities at the University, irrespective of what the building is called. It is clear that the imposition of the proposed \$295 fee would cause hardship to many faculty members who would have to discontinue their use of the sports and locker facilities on campus. The sense of community being advocated by the Administration would likely not materialize when a larger number of faculty members fail or refuse to utilize the Wellness Center facilities.

Further discussion followed by Professors Loew, Johnston, Robinson, Silber, Nagy, Wirtz, Captain, and President Trachtenberg.

Professor Silber also reported that the University is going to

add four varsity women's teams to the ones that are already available in order to provide more sports opportunities for women and also to comply with the Title IX requirements for equality in outlets.

Professor Lynch, Chair, Research Committee, submitted a written Interim Report, which was received. (Interim Report is attached.)

BRIEF STATEMENTS (AND QUESTIONS)

Before adjourning the meeting, President Trachtenberg said that he would like to speak to the Senate about a matter that he had recently discussed with the Executive Committee. He then made the following statement:

Recently Tom Davis, Congressman from Virginia, has, I think, with the best of intentions, introduced a piece of legislation that I think has some negative unintended consequences. Concerned that District of Columbia youngsters do not have sufficient higher education choices, he has proposed a piece of legislation which would allow them to attend any of the universities -- any of the state universities -- in the United States, in all the 50 states, as if they were, for the tuition charge, residents of those states rather than residents of the District of Columbia. There are those who call this the "George Mason University Relief Act of 1999," but those of us who are less cynical think this is a good thing, if in need of perfection. But also a little irked that when things were bad for the District of Columbia, people were talking about taxing private universities. Now that the District of Columbia has a \$400 million surplus, what they are talking about is taking a portion of it and giving it to people from the District to go to universities in Michigan and California rather than trying to work with the District universities to see if these resources couldn't help to reinforce a long-standing tradition on the part of District universities, private as well as UDC, to try to serve the kids in the District of Columbia.

We are the largest provider of financial aid to District of Columbia high school graduates in the country. And whether you pick up yesterday's Hatchet or By George!, you will see articles about different initiatives that the School of Education is doing in cooperation with the DC Schools, efforts on the part of faculty at the Business School, and other aspects of the University to reach into DC schools. We are non-stop on behalf of the District, largely because it is a good thing and it is also out of self-interest. We understand that, as a resident of the District, the enhancement of the District is to our benefit, but we also want to create an indigenous leadership and keep the best of the kids here. We want to build community. This legislation appears to me to have the potential to pull the

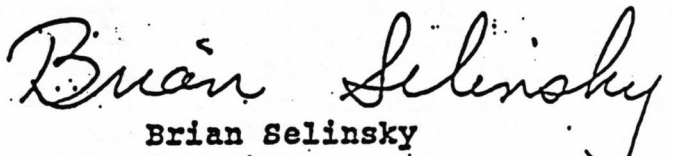
mortar out between the bricks of community and create a situation in which the very best kids will be provided opportunities to leave the District for their higher education, something that is already a problem as they get tempted by Harvard and other places, which has resulted in our establishment of the 21st Century Scholars Program to try to bring to GW some of the best kids by providing them with the opportunity to succeed academically and move up and then contribute to life in the District.

Therefore, I and other university presidents in the District have expressed some concern about the legislation. We have said that we do not want to be spoilers and we like the idea that there would be something additional for kids from the District; however, for purposes of that legislation we would like it if the District universities, like GW and Howard, were treated as if they were public universities in the other 50 states. You may hear something about this matter. If so, you now know my position. Obviously, you will draw your own conclusions about what you think about the idea if the issue should come up and you are asked to speak to it. I should also point out that there is no means test in the legislation as it is presently defined. There is a very loose definition of "resident." "Resident" is anybody who lives in the District for a year. One could conceive of the youngster from Greenwich who moves to the District, works for Senator Dodd for a year, for example, and at the end of the year goes to the University of Michigan on the District of Columbia's tab. Not a pretty sight from the point of view of those who think that these resources are better invested in District people and District institutions.

Professor Griffith asked about the status of the legislation at the present time, and the President said that it is still in the drafting stage, but that there is a footnote to this that is important to some of us. The legislation provides a benefit that ONLY goes to public institutions. It does not assist private institutions at the same time even in a diminished way. It would be groundbreaking because up until now all legislation that has assisted students has provided some of the resources so they could attend private institutions, as well as public institutions. This legislation, he said, would be precedent setting and this has troubled the National Association of Independent Colleges and Universities. Our goal is not to defeat the bill. It is to contribute to its enhancement.

ADJOURNMENT

Upon motion made and seconded, the President adjourned the meeting at 3:25 p.m.


Brian Selinsky
Secretary

SUBSTITUTE
A RESOLUTION ON TENURE BY DEFAULT (98/7)

WHEREAS, the Faculty Code provides, in IV A.3.1.c), that a regular active-status faculty member who is tenure-eligible and who is not notified in writing by June 30 preceding the final year of his or her maximum term of appointment that he or she will not be granted tenure, shall acquire tenure at the end of the term; and

WHEREAS, Resolution 97/8 (copy attached) provided that: (i) if a decision on tenure was not made by June 30 of the penultimate year of the maximum term of appointment for a tenure-track faculty member, his or her term of appointment would automatically be extended for an additional year, with a decision on tenure required by June 30 of the final year of the nonextended term, and (ii) if a tenure decision was not made by the latter date, the faculty member would automatically acquire tenure; and

WHEREAS, the University administration has requested that the Faculty Senate reconsider and amend Resolution 97/8 by adding a provision that would permit a limited extension for resolving an administrative nonconcurrence with a faculty recommendation before the automatic extension of the term of appointment of the affected faculty member would take effect; and

WHEREAS, the Faculty Senate is willing to make the limited amendment requested by the University Administration but otherwise desires to re-adopt the provisions of Resolution 97/8 and to reaffirm the important principles of faculty governance and academic freedom set forth therein and in the accompanying explanatory statement dated December 18, 1997 (copy attached);

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That, in fulfillment of the purposes and principles embodied in Resolution 97/8, the Faculty Code be amended in the following respects:

"(1) Article IV, Section A.3.1.c) shall be amended to read as follows (underlined matter added, lined-out matter deleted):

A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire [in accordance with Article V, Section B, hereof].*~~Any such faculty member who is not notified shall acquire tenure at the end of the term.~~ However, NOTWITHSTANDING ANY OTHER PROVISIONS OF ARTICLES IV AND V OF THE FACULTY CODE, if a decision on tenure has not become final by such June 30 deadline due to a failure to resolve an administrative nonconcurrence with a faculty recommendation, the June 30 deadline may be extended for up to 60 days, provided the appropriate administrative officer has given written notice of such extension to the faculty member no later than the original June 30 deadline. A faculty member who does not receive notice of denial of tenure by the date required under the preceding two sentences shall not be granted tenure at the end of his or her pending term of appointment, but instead shall be granted a one-year extension of such term. If not notified by June 30 of the final year of the non-extended term of appointment that tenure will not be granted, he or she will acquire tenure at the end of the extended term."

Substitute Resolution 98/7 (continued)

"(2) Article V, Section B.3., shall be amended to read as follows:

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of SUCH*an appointment with less than the required advance notice, shall be preceded by a statement of reasons, and shall be subject to the provisions of Article X of this Code. [Notwithstanding the foregoing sentence, notice of termination of the appointment of a faculty member who will not be granted tenure shall be given in accordance with Article IV. Section A.3.1.c) of this Code, and no delay in giving such notice shall be permitted except as expressly provided therein.]"*

Professional Ethics and Academic Freedom Committee
Jan. 29, 1999

Adopted, February 5, 1999

FOOTNOTE:

*Matter in brackets was deleted in a second round of amendments by PEAFC Committee.

†Matter in caps were additional insertions in a second round of amendments by PEAFC Committee.



DEPARTMENT OF TEACHER PREPARATION AND SPECIAL EDUCATION

Dec. 15, 1998

TO: The Faculty Senate

FROM: Sharon Lynch, Chair of Faculty Senate Research Committee

RE: Interim Report, December, 1998

The Faculty Senate Research Committee has met three times during the Fall, 1998 semester.

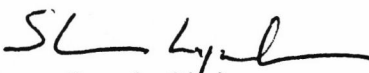
The following summarizes our discussions and future directions:

1. **Membership:** We have a good representation across Schools this year, including three faculty members from the humanities (correcting previous under-representation).
2. We reviewed the progress of the Release Time for Research Awards funded by and administered through the Office of the Associate Vice President for Research and Graduate Studies. In its first year, 16 awards were given to faculty in CSAS, GSEHD, ESIA, and SBPM. VP Sigelman's Office will be tracking the awards over time in order to ascertain if they are truly an incentive and monitoring their effects on University research efforts.
3. **Review of Documents:** We have reviewed the University Strategic Plan for Research and the "Wade Survey" which asked department chairs within CSAS to summarize course load and methods of accommodating faculty needs for research related release time. There seemed to be no consistent pattern or policy for this. Because of interest in this issue from faculty across schools, the Committee intends to conduct a survey on this and other issues related to institutionalized research opportunities for faculty. The survey will be prepared during the Spring 1999 semester, and our intention is to conduct this work and analyze it during that semester.
4. Through the Office of Associate Vice President for Research and Graduate Studies, we are promoting "Research News" site to be located on Carol Sigelman's Web site (<http://www.gwu.edu/~research>). The objectives of the Research News site are to help faculty learn what colleagues are researching, and to facilitate better networking and collaboration. Information about research awards is included. Gelman Library is exploring the possibility of providing lists of faculty publications. Other new items of interest to researchers can be submitted for posting.
5. The Committee has assisted Carol Sigelman and the Advisory Council on Research in an effort to produce a survey that assesses the services and related resources available to support research

at GWU.

6. Next semester, the Committee will explore some of the larger issues of support for research, including a stronger policy of reinvesting in research, in order to better support and nurture the research enterprise at GWU.

Respectfully submitted,


Sharon Lynch, Chair

Members

Ravi Achrol

Barry Berman

William Briscoe

Joe Gastwirth

Caren Goldberg

Sharon Lynch

Ann Romines

Pilar Saenz

Richard Schlagel

Barry Wessels

Linda Gallo

Stephen Ladisch

Tom Mazzuchi

Carol Sigelman

Scott Stebelman

REPORT OF THE EXECUTIVE COMMITTEE

February 5, 1999

Professor Lilien F. Robinson, Chair

1. GRIEVANCE

As previously reported to you, a grievance from the School of Business and Public Management was received by the Executive Committee. The Executive Committee, having completed its informal consultative role without achieving resolution of the matter, appointed Carol L. Izumi, Professor of Clinical Law, as Special Mediator in this case.

2. NONCONCURRENCES

We had also reported on three nonconcurrences. One was referred to the President by the faculty. He concurred with the recommendation of the Dean and the Vice President. The other two nonconcurrences, one in Columbian School, and one in the School of Business and Public Management, are being transmitted to the Board of Trustees by the faculty.

3. APPOINTMENT OF AD HOC COMMITTEE REGARDING INTERIM POLICY AND PROCEDURES GOVERNING SEXUAL HARASSMENT COMPLAINTS

In accordance with Resolution 98/5 adopted, as amended, December 11th by the Senate, the Interim Policy and Procedures Governing Sexual Harassment Complaints are to be referred to an ad hoc committee for review. Resolution 98/5 directed that the ad hoc committee be jointly appointed by the Vice President for Academic Affairs and the Chair of the Executive Committee of the Faculty Senate. At

its January 29th meeting, the Executive Committee appointed the following faculty to the ad hoc committee:

As Co-Chairs:

**Maurice A. East, Professor International Affairs and
Political Science**

**Linda L. Gallo, Professor of Biochemistry and
Molecular Biology**

As members:

Mary M. Cheh, Professor of Law

Linda Donnels, Dean of Students

Diana E. Johnson, Associate Professor of Biology

Hugo D. Junghenn, Professor of Mathematics

Paul M. Swiercz, Assoc. Professor of Management Science

Susan B. Kaplan, Assoc. Vice President for Human Resources

**Annie Wooldridge, Assistant Vice President for
Faculty Recruitment and Personnel Relations**

A student will also be appointed to serve on the ad hoc committee, and that name will be reported as soon as the student's availability to serve is confirmed. We expect the ad hoc committee will begin its work very quickly and bring us a permanent Policy and Procedures document.

4. COMMITTEE SERVICE

Please note that the forms for service on Faculty Senate Standing Committees and Administrative Standing Committees were distributed with the agenda for today's

meeting. I urge you to fill out these forms, and to encourage colleagues in your school to also volunteer. While we are fortunate to have a good number of the same people serve every year, we still need greater participation, especially from junior faculty who are at a point at which they feel they can begin to participate in University activities.

5. UPCOMING MATTERS

The Annual Report on Recruitment and Appointment of Women and Faculty of Color will be presented by Vice President Lehman at our March Senate meeting.

6. ANNOUNCEMENTS

Please note that the next meeting of the Executive Committee is on February 26, 1999. Resolutions and/or reports for the agenda of the March Senate meeting should be submitted to the Executive Committee prior to February 26th.

THE GEORGE WASHINGTON UNIVERSITY
Washington, DC

The Faculty Senate

January 25, 1999

**The Faculty Senate will meet on Friday, February 5, 1999,* at
2:10 p.m. in the Elliott Room, University Club, 3rd Floor, Marvin Center.**

AGENDA

- 1. Call to order**
- 2. Approval of the minutes of the regular meeting of December 11, 1998,
and January 15, 1999, as distributed**
- 3. Resolutions:**

**A RESOLUTION ON TENURE BY DEFAULT (98/7); Professor William
B. Griffith, Chair, Committee on Professional Ethics and Academic
Freedom (Resolution 98/7 attached)**

4. Introduction of Resolutions

5. General Business:

- (a) Report of the Executive Committee: Professor Lilien F. Robinson,
Chair**
- (b) Interim Reports of Senate Committee Chairs**

6. Brief Statements (and Questions)

7. Adjournment


Brian Selinsky
Secretary

***NOTE: The originally scheduled February 12th Senate meeting was re-
scheduled for February 5th by the Executive Committee per
notice dated January 19, 1999.**

A RESOLUTION ON TENURE BY DEFAULT (98/7)

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WHEREAS, Resolution 97/8 (copy attached) provided that: (i) if a decision on tenure was not made by June 30 of the penultimate year of the maximum term of appointment for a tenure-track faculty member, his or her term of appointment would automatically be extended for an additional year, with a decision on tenure required by June 30 of the final year of the nonextended term, and (ii) if a tenure decision was not made by the latter date, the faculty member would automatically acquire tenure; and

WHEREAS, the University administration has requested that the Faculty Senate reconsider and amend Resolution 97/8 by adding a provision that would permit a limited extension for resolving an administrative nonconcurrence with a faculty recommendation before the automatic extension of the term of appointment of the affected faculty member would take effect; and

WHEREAS, the Faculty Senate is willing to make the limited amendment requested by the University Administration but otherwise desires to re-adopt the provisions of Resolution 97/8 and to reaffirm the important principles of faculty governance and academic freedom set forth therein and in the accompanying explanatory statement dated December 18, 1997 (copy attached);

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That, in fulfillment of the purposes and principles embodied in Resolution 97/8, the Faculty Code be amended in the following respects:

(1) Article IV, Section A.3.1.c) shall be amended to read as follows (underlined matter added; lined-out matter deleted):

A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire in accordance with Article V, Section B, hereof. ~~Any such faculty member who is not so notified shall acquire tenure at the end of the term.~~ However, if a decision on tenure has not become final by such June 30 deadline due to a failure to resolve an administrative nonconcurrence with a faculty recommendation, the June 30 deadline may be extended for up to 60 days, provided the appropriate administrative officer has given written notice of such extension to the faculty member no later than the original June 30 deadline. A faculty member

Resolution 98/7 (continued)

who does not receive notice of denial of tenure by the date required under the preceding two sentences shall not be granted tenure at the end of his or her pending term of appointment but instead shall be granted a one-year extension of such term. If not notified by June 30 of the final year of the nonextended term of appointment that tenure will not be granted, he or she will acquire tenure at the end of the extended term.

(2) Article V, Section B.3. shall be amended to read as follows (underlined matter added):

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of an appointment with less than the required advance notice, shall be preceded by a statement of reasons, and shall be subject to the provisions of Article X of this Code. Notwithstanding the foregoing sentence, notice of termination of the appointment of a faculty member who will not be granted tenure shall be given in accordance with Article IV, Section A.3.1.c) of this Code, and no delay in giving such notice shall be permitted except as expressly provided therein.

Committee on Professional Ethics and Academic Freedom
December 17, 1998



1. The first part of the report discusses the general situation of the country and the progress of the work during the year.

2. The second part of the report discusses the results of the work during the year and the progress of the work during the year.



ADMINISTRATIVE STANDING COMMITTEES

February, 1999

THE GEORGE WASHINGTON UNIVERSITY
Washington, DC

TO: Members of the University Faculty Assembly

FROM: Lilien F. Robinson, Chair
Executive Committee of the Faculty Senate

RE: Appointments to Administrative Standing and Special
Committees for the Year 1999-00

At its April and May meetings the Faculty Senate will recommend faculty for presidential appointment to membership on certain Administrative Standing Committees listed below. When the Executive Committee meets in March, it will draw up a list of faculty nominees for approval by the Senate.

If you are interested in volunteering your services--and I urge you to give the matter serious consideration--please indicate your preferences and return this form to:

FACULTY SENATE OFFICE
RICE HALL, #305

BY MARCH 5, 1999

Committee on the Judicial System
Committee on Student Publications
Committee on University Bookstore
GW Forum
Joint Committee of Faculty
and Students

Marvin Center Governing Board
Marvin Center Program Board
Panel for Student Grievance
Review Committees
Safety and Security Advisory Comm.
University Hearing Board

Name _____ Department _____ Rank _____

Currently serving on the Administrative Committee on: _____

Do you wish to be re-elected to this Committee? ____ Yes ____ No

I should like to serve on an Administrative Committee according to my preferences below:

(1st Choice) _____

(2nd Choice) _____

(3rd Choice) _____

I will be available for committee work during the regular academic year ____ Yes ____ No

I will also be available for committee work during at least one of the summer sessions ____ Yes ____ No

I prefer not to serve during 1999-00 ____.

Thank you for your prompt consideration of this matter.

ADMINISTRATIVE SERVICES DIVISION
THE UNIVERSITY OF MICHIGAN
ANN ARBOR, MICHIGAN 48106-1000

Dear Mr. [Name]:

I am writing to you regarding the [Topic] [Topic] [Topic]

As you know, the [Topic] [Topic] [Topic] [Topic] [Topic]

On [Date], I met with [Name] and [Name] to discuss the [Topic] [Topic] [Topic] [Topic] [Topic]

The [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic]

Sincerely,
[Signature]

BY HAND: [Name]

Enclosed for [Name] is a copy of the [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic]

Very truly yours,
[Signature]

cc: [Name] [Name] [Name] [Name] [Name] [Name] [Name] [Name] [Name] [Name]

cc: [Name] [Name] [Name] [Name] [Name] [Name] [Name] [Name] [Name] [Name]

I am sure that you will find this information [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic]

(cc: [Name])

(cc: [Name])

(cc: [Name])

I will be [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic]

Thank you for your [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic] [Topic]

Sincerely,
[Signature]

FACULTY SENATE STANDING COMMITTEES

February, 1999

THE GEORGE WASHINGTON UNIVERSITY
Washington, DC

TO: Members of the University Faculty Assembly

FROM: Lilien F. Robinson, Chair
Executive Committee of the Faculty Senate

RE: Call for Nominations for Election to Faculty Senate
Standing Committees, 1999-00 Session

In April, the newly-elected and incumbent Executive Committee of the Faculty Senate will meet jointly "to nominate the members and Chairs of the standing committees and special committees" of the Faculty Senate for the year 1999-00.

We have had an exceptionally strong record of effective shared governance. However, such success is dependent on the willingness of faculty to participate in the process. To that end, my colleagues and I urge you to volunteer for committee service by filling out this form and returning it to:

**FACULTY SENATE OFFICE
RICE HALL, #305**

BY MARCH 12, 1999

Administrative Matters as They
Affect the Faculty
Admissions Policy, Enrollment Manage-
ment and Student Financial Aid
Appointment, Salary, and Promotion
Policies (including Fringe Benefits)
Athletics and Recreation
Dispute Resolution Committee (3-year term)
Educational Policy

Faculty Development and Support
Fiscal Planning and Budgeting
Honors and Academic Convocations
Libraries
Physical Facilities
Professional Ethics and Academic
Freedom
Research
University and Urban Affairs

Name _____ Department _____ Rank _____

Currently serving on the Senate Committee on: _____

Do you wish to be re-elected to this Committee? ____ Yes ____ No

I should like to serve on a Senate Committee according to my preferences below:

(1st Choice) _____

(2nd Choice) _____

(3rd Choice) _____

I will be available for committee
work during the regular academic
year ____ Yes ____ No

I will also be available for
committee work during at least one
of the summer sessions ____ Yes ____ No

I prefer not to serve during 1999-00 ____.

